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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,956	06/09/2004	Bill Yang	13565-US-PA	3955
31561 7590 10/10/2007 JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			EXAMINER LE, HUYEN D	
			ART UNIT 2615	PAPER NUMBER
			NOTIFICATION DATE 10/10/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USA@JCIPGROUP.COM.TW

## Office Action Summary

**Application No.**

10/709,956

**Applicant(s)**

BILL YANG

**Examiner**

HUYEN D. LE

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-70 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species:

Species 1: FIG. 3 is a partial sectional diagram of an earphone that comprises a main speaker (313) and a composite chamber 317) to be fixed on the cover, wherein the sub-speakers are installed on the composite chamber (317).

Species 2: FIG. 3A is an embodiment of the present invention as shown in figure 3, wherein the earphone comprises two composite chambers (317).

Species 3: FIG. 3B is another embodiment of the present invention as shown in figure 3, wherein the main speaker (313) is not installed in the earphone.

Species 4: FIG. 3C is an embodiment of the present invention as shown in figure 3A, wherein the main speaker (313) is not installed in the earphone.

Species 5: FIG. 4 is a partial sectional diagram of an earphone, wherein the sound field generated by the sub-speakers inside a composite room (330) can be adjusted by relocating the position of the sub-speaker.

Species 6: FIG. 4A is an embodiment of the present invention as shown in figure 4, wherein more sets of composite room (330a, 330b) can be added into the earphone.

Species 7: FIG. 4B is another embodiment of the present invention as shown in figure 4, wherein the main speaker (313) is not installed in the earphone.

Species 8: FIG. 4C is an embodiment of the present invention as shown in figure 4A, wherein the main speaker (313) is not installed in the earphone.

Species 9: FIG. 5A is an embodiment of an earphone, wherein the sub-rooms (331, 333) are formed with the composite chambers (371b, 317c).

Species 7: FIGs. 5B and 5D are the other embodiments of the present invention as shown in figure 5A, wherein the length of the sub-room (331) of the speaker (315b) formed by the chamber (317b) is intentionally extended.

Species 10: FIG. 5C is another embodiment of the present invention as shown in figure 5A, wherein the structure for forming the composite chambers (317b, 317c) can have a predetermined curve angle.

Species 11: FIG. 6 is an embodiment of the earphone 600 that has different designs for the chamber (317b, 317c).

Species 12: FIG. 6A is another embodiment of the present invention as shown in figure 6, wherein the length of the sub-room (331) of the speaker (315b) formed by chamber (317b) is extended intentionally.

Species 12: FIG. 6B is another embodiment of the present invention as shown in figure 6, wherein the structure for forming the chambers (317b, 317c) that has different designs for the chamber (317b, 317c).

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Species 13: FIG. 7 is a partial sectional diagram of an earphone 700 according to another embodiment of the present invention, wherein the opening direction of the chambers (317b, 317c) for forming the sub-rooms (331, 333) can be adjusted.

Species 14: FIG. 7A is an another embodiment of the present invention as shown in figure 7, wherein the structure for forming the chambers (317b, 317c) can have a predetermined curve angle.

The species are independent or distinct because they are directed to different embodiments.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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2. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL

October 1, 2007



HUYEN LE  
PRIMARY EXAMINER